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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,577	02/25/2002	Takeshi Hoshino	ASAM.0047	8731

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EXAMINER

ROBINSON, GRETA LEE

ART UNIT PAPER NUMBER

2168

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/080,577	Applicant(s) HOSHINO ET AL.	
	Examiner Greta L. Robinson	Art Unit 2168	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
     4a) Of the above claim(s) 3-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-10 are pending in the present application.
2. Claims 3-7 were previously withdrawn. Claim 1 has been currently amended; and new claims 8-10 have been added.

***Drawings***

3. The drawings were received on August 19, 2005. These drawings are acceptable.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas US Patent Application Publication No. 2001/0051905 A1.

Regarding claim 1, **Lucas** teaches a tag management server for providing tag management information corresponding to tag information read from an ID tag in response to an inquiry using said tag information, said ID tag including an ID number for a specific article and an ID sort indicating an inquiry locator of said tag management server [note: customer inventory system 100, server paragraph 0030 and paragraphs 0034, and 0036], comprising:

a database for storing tag management information corresponding to respective ID tags [note: product identifier are entered into client software such identifiers may include barcode identifiers or RFID tags for inventory tracking paragraphs 0066 and 0068; also note Database server 230 paragraph 0034], wherein:

said tag management server accepts said tag information transmitted in accordance with said ID sort of said ID tag [note: client software can query a server present a dialog box for interactive interface which customer to confirm request see paragraph 0080; Figure 3 step 330 "confirm step"],

said tag management server extracts an ID number from said tag information, said tag management server retrieves said tag management information corresponding

to said ID number with use of said database [note: paragraph 0068 data is transmitted and confirmation notice sent], and wherein

when said tag management information is retrieved as corresponding tag management information, said tag management server supplies said tag management information to said inquirer [note: paragraph 0068 through 0074 *client software may pass such search criteria to a server*, and paragraph 0081].

Although Lucas teaches the invention as cited above he does not explicitly teach “when said tag management information is not retrieved as corresponding tag management information, said tag management server determines that said accepted tag information is not normal tag information, and said tag management server provides a notice of such determination to said inquirer”. However Lucas does teach that various inventory tracking options may be implemented such as status inquiry [note: paragraph 0069 through 0070]. It would have been obvious to one of ordinary skill at the time of the invention to have implemented a tag information status such as “not normal tag information” since Lucas is teaches various options may be implemented and also teaches additional identifier information may be implemented by the client software [paragraph 0067]; such modification would provide a means of displaying errors.

6. Regarding claim 8, wherein said ID number stored in said ID tag is a specific number corresponding to a specific article which ID number is not duplicated for any other articles [note: Lucas *teaches product identifier such as barcode label scan and*

*product SKU field and provides for creation of additional fields for identifying and tracking such articles see paragraphs 0064-0066 ].*

7. Regarding claim 9, said tag management server determines whether said tag information is of a signal format adapted for inquiry for said tag management server, after accepting said tag information; and when said tag information is adapted for said signal format, said tag management server extracts an ID number from said tag information; and when said tag information is not adapted for said signal format, said tag management server notifies said inquirer of a determination that said tag information is not adapted for said signal format [note: additional controls may be implemented to track inventory paragraph 0067 through 0068].

8. Regarding claim 10, said tag management server accepts a request for item information for said article from said inquirer which has supplied said tag information; and said tag management server makes an inquiry for said item information of said article to an item management server in accordance with maker-database-URL information as an inquirer of said item management server indicated by said tag management information [note: Lucas teaches an ID sort or URL link note communication is achieved through transfer protocol HTTP paragraph 0028; inventory tracking have live Internet linkages into their databases for queries and order processing paragraph 0040, also note paragraph 0107. In order to link to another

location it is well known that a URL provides such transition. The tag management server is taught by Lucas as stated above note server 100 ].

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucas US Patent Application Publication No. 2001/0051905 A1 in view of King et al. The Design, Development and Operation of Distributed Inventory System.

Although Lucas teaches the invention substantially as applied to claim 1 above, regarding claim 2 they do not specifically teach said tag management information includes, for every managed ID tag, a maker and a trade name of an article provided with said ID tag. King et al. teaches a design concepts for implementing a distributed inventory system [note: page 287]. It would have been obvious to one of ordinary skill at the time of the invention to have combined King et al. with Lucas because King et al's design concept (i.e. requirements to list desirable features, specify queries in the SQL) would permit the inventions to be built.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1, 2 and 8-10 have been considered but are moot in view of the new ground(s) of rejection.

In the response Applicant argued the following:

(a) Prior art reference Lucas does not disclose that the ID tags stores both ID number and ID sort as cited in claim 1.

(b) Prior art reference King does not teach the features of a tag management server of claim 2.

In response to Applicants arguments a new rejection has been made under 35 USC 103(a) citing Lucas. The examiner notes, the specification defines an "ID sort" as an inquiry URL (Uniform resource Locator) of the tag management server [see: page 9 line 20 through page 10 line 8 of the present invention].

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "ID tag stores both an ID number and an ID sort") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1 as amended recites "a database for storing tag management information corresponding to respective ID tags, wherein said tag management server accepts said tag information transmitted in accordance with said ID sort of said ID tag" note lines 6-9. Lucas teaches a *server system 100* (i.e. tag management server) in communication with customer inventory system 100 to obtain information [paragraph 0030]. Lucas teaches various architectural embodiments may be implemented for the network wherein customer inventory software may run on single computer or multiple computers [paragraph 0036; also note 0030 through 0036]. Lucas teaches an ID sort or URL link note communication is achieved through transfer protocol HTTP [paragraph 0028]; inventory tracking have live Internet linkages into their databases for queries and order processing [paragraph 0040] also note [paragraph



0107]. In order to link to another location it is well known that a URL provides such transition. The tag management server is taught by Lucas as stated above note server 100. King is relied on for teaching design concept, note Lucas suggests such modifications are within the scope of the invention see paragraphs 0064 through 0067.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vaughn et al. US Patent Application Publication No. 2003/0036981 A1

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (571)272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Greta Robinson', with a large, stylized initial 'G' and a wavy line extending to the right.

Greta Robinson  
Primary Examiner  
February 15, 2005